U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

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[] (6) The presence of territorial seas.

NAN-2005-688-WCO

State: County: Center coordinat Approximate size	TION INFORMATION: New York Saratoga es of site (latitude/longitude): e of area (parcel) reviewed, ind waterway: Unnamed Tributar ed: Hudson River	luding upla	
JURISDICTIONA Completed:	L DETERMINATION  Desktop determination	П	Date:
Completed.	Site visit(s)	[X]	Date(s): September 8, 2005 and March 17, 2006
Jurisdictional Dete	rmination (JD):		
United Sta	- Based on available informat ates" and/or "navigable waters e 33 CFR part 331).	ion, [X] <i>th</i> oof the Unite	ere appear to be (or) [] there appear to be no "waters of the ed States" on the project site. A preliminary JD is not appealable
[] Approved JD - A Check all that app	n approved JD is an appealablely:	e action (R	eference 33 CFR part 331).
	rigable waters of the United St ewed area. Approximate size of		fined by 33 CFR part 329 and associated guidance) onal area:
	ters of the United States" (as d Approximate size of jurisdict		3 CFR part 328 and associated guidance) within the
[] There are "iso [] Decision sup	lated, non-navigable, intra-sta ported by SWANCC/Migrator	<i>ite waters o</i> y Bird Rule	r wetlands" within the reviewed area.  Information Sheet for Determination of No Jurisdiction.
BASIS OF JURISI	DICTIONAL DETERMINA	TION:	
[] The presence of	under 33 CFR part 329 as "a waters that are subject to the el- y be susceptible for use to tran	b and flow	of the tide and/or are presently used, or have been used
[](1) The presence interstate or for [](2) The presence [](3) The presence sandflats, wetle destruction of v [](i) which are or c [](ii) from which fi [](iii) which are or [](4) Impoundmen	reign commerce, including all of interstate waters including of other waters such as intrast ands, sloughs, prairie potholes, which could affect interstate or ould be used by interstate or fish or shellfish are or could be	used, or we waters which interstate we ate lakes, ri- wet meado ommerce incorreign trave- taken and surposes by in as waters o	ere used in the past, or may be susceptible to use in the are subject to the ebb and flow of the tide.  etlands <sup>1</sup> .  etlands <sup>1</sup> .  etlands, mudflats, mudflats, muss, playa lakes, or natural ponds, the use, degradation or cluding any such waters (check all that apply):  elers for recreational or other purposes.  fold in interstate or foreign commerce.  findustries in interstate commerce.  f the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

[X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

the rationale used to make adjacency determination: The site contains unnamed tributaries to McDonald Creek and wetlands adjacent to them. McDonald Creek is a tributary to the Hudson River, a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 32	28 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or seum line along shore objects
1 the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[ ] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
FIRE on TP-1 Miles and add in dispendible	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vego	etation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland Associates, PLLC	delineation map and/or in a delineation report prepared by: Ivan Zdrahal
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part 32	8(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the basis o	of 33 CFR part 328.3(a)(3).
[X] The Corps has made a case-specific determination that the the United States:	following waters present on the site are not Waters of
[] Waste treatment systems, including treatment ponds or lag	goons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to upland i	
[] Artificial lakes and ponds created by excavating and/or di	
retain water and which are used exclusively for such purportice growing.	oses as stock watering, irrigation, settling basins, or
[ ] Artificial reflecting or swimming pools or other small orn.	amental hodies of water created
by excavating and/or diking dry land to retain water for pr	
[] Water-filled depressions created in dry land incidental to	construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unless and un	till the construction or excavation operation is
abandoned and the resulting body of water meets the defin	nition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to interstate co	ommerce.
[] Prior converted cropland, as determined by the Natural Ro	
[] Non-tidal drainage or irrigation ditches excavated on dry	
[] Other (explain):	·
TO THE POST WINDONGTION AT DETERMINE	NATION (most all that apply)
DATA REVIEWED FOR JURISDICTIONAL DETERMI	
[X] Maps, plans, plots or plat submitted by or on behalf of the	
[X] Data sheets prepared/submitted by or on behalf of the appl	prepared by (company):
L 3	
[] This office does not concur with the delineation report, da	tied , prepared by (company).
[] Data sheets prepared by the Corps.	
[X] Corps' navigable waters' studies: Listing for Hudson River	
[] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic maps: Ni	ickavuna Quadranole
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	Sky and Quadrange
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[X] USDA Natural Resources Conservation Service Soil Surve	ev: Saratoga County Soil Survey
[] National wetlands inventory maps:	y, commoga donny don don's
[ ] National Wetlands inventory maps. [X ] State/Local wetland inventory maps: Niskayuna Quadrang	de
[X] State/Local wettaild inventory maps. (Viskayuna Quadrang	•
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X] Other photographs (Date): November 30 and December 2.	, 2005
Advanced Identification Wetland maps:	,
E & A many many many assumption to the contract of the contrac	

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[X] Site visit/determination conducted on: September 8, 2005 and March	17, 200
[ ] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

		U.S. A	rmy Corps of Engineers
DISTRICT OFFICE FILE NUMBER:	E: NEW YORK DIS NAN-2005-1169	· · · · · · · · · · · · · · · · · · ·	CENAN)
	ION INFORMATION:		
State:	New York		
County:	Saratoga	-4. 42 10 4	3 lane 72 AA AA
	s of site (latitude/longitude): l of area (parcel) reviewed, incl		
	raterway: Little Snook Kill	ading apia	aigs. 113 acres.
Name of watershed			
	DETERMINATION		
Completed:	Desktop determination		Date:
	Site visit(s)	[X]	Date(s): 3-21-06
Jurisdictional Deterr	mination (JD):		
United State (Reference 3	es" and/or "navigable waters o 33 CFR part 331).	f the Unite	re appear to be (or) [] there appear to be no "waters of the d States" on the project site. A preliminary JD is not appealable
[] Approved JD - An Check all that apply	approved JD is an appealable /:	action (Re	eference 33 CFR part 331).
	gable waters of the United State area. Approximate size of		ined by 33 CFR part 329 and associated guidance) and area:
	rs of the United States" (as def approximate size of jurisdiction		CFR part 328 and associated guidance) within the
			wetlands" within the reviewed area.  Information Sheet for Determination of No Jurisdiction.
	CTIONAL DETERMINAT ider 33 CFR part 329 as "na		aters of the United States":
	ters that are subject to the ebb be susceptible for use to transp		of the tide and/or are presently used, or have been used ate or foreign commerce.
B. Waters defined un	der 33 CFR part 328.3(a) as	"waters o	of the United States":
[](1) The presence of	waters, which are currently u	sed, or wer	re used in the past, or may be susceptible to use in
			are subject to the ebb and flow of the tide.
	interstate waters including in		
			ers, streams (including intermittent streams), mudflats,

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the

destruction of which could affect interstate commerce including any such waters (check all that apply):

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The water within the wetlands and the Little Snook Kill flow into the Snook Kill, which flows into the Hudson River which is currently a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
EVI along material line immensed and the bonds	F 7 - 21

[X] clear, natural line impressed on the bank

[] (6) The presence of territorial seas.

[] oil or scum line along shore objects

[] the presence of litter and debris [] changes in the character of soil [] destruction of terrestrial vegetation [] shelving [] other:	[] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] veg	etation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetlar Environmental	nd delineation map and/or in a delineation report prepared by: Copeland
Basis For Not Asserting Jurisdiction:  [] The reviewed area consists entirely of uplands.  [] Unable to confirm the presence of waters in 33 CFR part 32  [] Headquarters declined to approve jurisdiction on the basis of the United States:  [] Waste treatment systems, including treatment ponds or la [] Artificially irrigated areas, which would revert to upland if a lakes and ponds created by excavating and/or directain water and which are used exclusively for such purportice growing.  [] Artificial reflecting or swimming pools or other small orn by excavating and/or diking dry land to retain water for properties of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the defires 328.3(a).  [] Isolated, intrastate wetland with no nexus to interstate corfice [] Prior converted cropland, as determined by the Natural Refigure [] Non-tidal drainage or irrigation ditches excavated on dry [] Other (explain):	of 33 CFR part 328.3(a)(3). following waters present on the site are not Waters of goons, pursuant to 33 CFR part 328.3. if the irrigation ceased. iking dry land to collect and oses as stock watering, irrigation, settling basins, or amental bodies of water created rimarily aesthetic reasons. construction activity and pits excavated in dry land for atil the construction or excavation operation is nition of waters of the United States found at 33 CFR mmerce. esources Conservation Service. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETERMIX  [X] Maps, plans, plots or plat submitted by or on behalf of the applitude [X] Data sheets prepared/submitted by or on behalf of the applitude [X] This office concurs with the delineation report, dated Note of [I] This office does not concur with the delineation report, dated Note of [I] Data sheets prepared by the Corps.  [I] Corps' navigable waters' studies:  [I] U.S. Geological Survey Hydrologic Atlas:  [X] U.S. Geological Survey 7.5 Minute Topographic maps: Gas [I] U.S. Geological Survey 7.5 Minute Historic quadrangles:  [I] U.S. Geological Survey 15 Minute Historic quadrangles:  [I] U.S. Autural Resources Conservation Service Soil Survey [X] National wetlands inventory maps: Gansevoort Quad [X] State/Local wetland inventory maps: Gansevoort Quad [X] State/Local wetland inventory maps: (NGVD)  [I] Aerial Photographs (Name & Date):  [I] Other photographs (Date):  [I] Other photographs (Date):  [I] Advanced Identification Wetland maps:  [X] Site visit conducted on: 3-21-06  [I] Applicable/supporting case law:  [I] Other information (please specify):	applicant. icant. ivember 2005, prepared by: Copeland Environmental ited , prepared by (company): insevoort Quad

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2006-00242

PRC	MF.	CT	1.0	) ( A	T	ION	IINE	OF	MA	TION:
1 1/		•						~ ·	11717	

State:

New Jersey

County:

Hudson

Center coordinates of site (latitude/longitude): lat:40-38-39.0120 lon:74-8-27.9960

Approximate size of area (parcel) reviewed, including uplands: 20 acres.

Name of nearest waterway: Kill Van Kull Name of watershed: KILL VAN KULL

## JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

Date: July 14, 2006 [X]

Site visit(s)

Date(s):

## Jurisdictional Determination (JD):

Σ	K] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

## A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- [ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [ ] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itselfa navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Kill Van Kull is a tidal and navigable waterway. Work performed waterward of the line of mean high water is in Corps of Engineers regulatory jurisdiction.

s.
prepared by:
t Waters of t basins, or t dry land for on is d at 33 CFR tionale:
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DATA

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: NAN-2006-288-WDE PROJECT LOCATION INFORMATION: State: New York County: Greene Center coordinates of site (latitude/longitude): lat: 42-17-35 lon: 74-18-17 Approximate size of area (parcel) reviewed, including uplands: 20 acres. Name of nearest waterway: Batavia Kill Name of watershed: Batavia Kill JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) [X]Date(s): May 12, 2006 Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

destruction of which could affect interstate commerce including any such waters (check all that apply):

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US.

[X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: The site contains the Batavia Kill and wetlands that are adjacent to the waterway. The Batavia Kill is a tributary to the Schoharie Creek, whose mouth is navigable as it discharges into the Mohawk River, another navigable waterway.

County

Lateral Extent of Jurisdiction: (Reference: 33 CFR part	ts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	••
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; [] v	vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetlan Soil and Water Conservation District based upon	nd delineation map and/or in a delineation report prepared by: Greene work conducted by Bagdon Environmental.
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part	328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the basi	is of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination that th	e following waters present on the site are not Waters of
the United States:	
[] Waste treatment systems, including treatment ponds or	lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to uplar	nd if the irrigation ceased.
[] Artificial lakes and ponds created by excavating and/or	r diking dry land to collect and
retain water and which are used exclusively for such purice growing.	rposes as stock watering, irrigation, settling basins, or
[] Artificial reflecting or swimming pools or other small of	ornamental hodies of water created
by excavating and/or diking dry land to retain water for	
[] Water-filled depressions created in dry land incidental	
the purpose of obtaining fill, sand, or gravel unless and	· · · · · · · · · · · · · · · · · · ·
	efinition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate of	commerce.
[] Prior converted cropland, as determined by the Natural	
[] Non-tidal drainage or irrigation ditches excavated on di	•
[] Other (explain):	,
DATE DELIVERY FOR WINDOWS WAY DEPOSITE	
DATA REVIEWED FOR JURISDICTIONAL DETERM	
[X] Maps, plans, plots or plat submitted by or on behalf of the	••
[] Data sheets prepared/submitted by or on behalf of the app	
[] This office concurs with the delineation report, dated [] This office does not concur with the delineation report,	, prepared by (company):
[] Data sheets prepared by the Corps.	dated , prepared by (company):
[X] Corps' navigable waters' studies: listings for Schoharie C	Proofs and Mahayuk Piyan
[] U.S. Geological Survey Hydrologic Atlas:	ACCK AND MONAWK KIVE
[X] U.S. Geological Survey 7.5 Minute Topographic maps:	Achland Quadranala
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	Ashiana Quadrangic
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[X] USDA Natural Resources Conservation Service Soil Sur	rvey: Greene County Sheet 16
[] National wetlands inventory maps:	, Oreens County, Direct 10
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	

[X] Other photographs (Date): February 2006

[] Advanced Identification Wetland maps:
[X ] Site visit/determination conducted on: May 12, 2006
[] Applicable/supporting case law:
[] Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2006-00456

PRO	JECT	LO	CA	TIC	N	INFO	)RM	AΤ	ION:
	J				, T	11/11/	/3 <b>\</b> _11.	α.	10111

State:

New Jersey

County:

Hudson

Center coordinates of site (latitude/longitude): lat:40-45-11.9880 lon:74-7-12.0000

Approximate size of area (parcel) reviewed, including uplands: 4 acres.

Name of nearest waterway: Passaic River Name of watershed: PASSAIC RIVER

## JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

[X]Date: May 11, 2006

[]

Site visit(s)

Date(s):

## Jurisdictional Determination (JD):

ĮX	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
[]	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

# BASIS OF JURISDICTIONAL DETERMINATION:

## A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [ ] (4) Impoundments of waters otherwise defined as waters of the US.
- [ ] (5) The presence of a tributary to a water identified in (1) (4) above.
- [X] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is located in the Passaic River, which is navigable and tidal at the location of the project site.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	
	[] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:	
	[] clear, natural line impressed on the bank [] oil or scum line along shore objects	
	[] the presence of litter and debris [] fine shell or debris deposits (foreshore)	
	[] changes in the character of soil [] physical markings/characteristics	
	[] destruction of terrestrial vegetation [] tidal gages	
	[] shelving [] other:	
	[ ] other:	
	[X] Mean High Water Mark indicated by:	
	[] survey to available datum; [X] physical markings; [] vegetation lines/changes in vegetation ty	vnes.
	[ ] surrey to dramatic datum, [ri] physical manings, [ ] regression mess changes in regression .	, p = 0.
	[ ] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation rep	ort prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[ ] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).	
	[] The Corps has made a case-specific determination that the following waters present on the site are	not Waters of
	the United States:	
	[ ] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.	
	[ ] Artificially irrigated areas, which would revert to upland if the irrigation ceased.	
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and	
		12 52
	retain water and which are used exclusively for such purposes as stock watering, irrigation, sett	ling basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water created	
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.	
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavate	
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation ope	
	abandoned and the resulting body of water meets the definition of waters of the United States for	ound at 33 CFR
	328.3(a).	
	[] Isolated, intrastate wetland with no nexus to interstate commerce.	
	[ ] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain	ı rationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	
	[ ] Other (explain):	
DATA	ATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):	
	[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.	
	[] Data sheets prepared/submitted by or on behalf of the applicant.	
	[] This office concurs with the delineation report, dated , prepared by (company):	
	[] This office does not concur with the delineation report, dated , prepared by (company):	
	Data sheets prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[ ] U.S. Geological Survey Hydrologic Atlas:	
	[ ] U.S. Geological Survey 7.5 Minute Topographic maps:	
	[ ] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
	U.S. Geological Survey 1.5 Minute Historic quadrangles:	
	[] USDA Natural Resources Conservation Service Soil Survey:	
	[ ] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[ ] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[ ] Aerial Photographs (Name & Date):	
	[ ] Other photographs (Date):	
	[ ] Advanced Identification Wetland maps:	
	[ ] Site visit/determination conducted on:	
	Applicable/supporting case law:	
	[ ] Other information (please specify):	
	F.T /Linner alicents/	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

NAN-2006-508-WDE

PROJECT LOCATION INFORMATIO	PR	OJECT	LOCA	TION	INFORM	ATION:
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State:

New York

County:

Franklin

Center coordinates of site (latitude/longitude): lat: 44.2011 lon: 74.4709 Approximate size of area (parcel) reviewed, including uplands: 75 acres.

Name of nearest waterway: Tupper Lake Name of watershed: Raquette River

## JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

[X] Date: June 19, 2006

Site visit(s)

Date(s):

## Jurisdictional Determination (JD):

[X] Preliminar	D - Based on available information, [X ] there appear to be (or) [] there appear to be no "waters of the	:
Unite	States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appeal	lable
(Refe	ce 33 CFR part 331).	

] Approved JD - An approved	JD is an appealable	action (Reference :	33 CFR part 331)
Check all that apply:			

[] <i>There are</i> "navigable wat	ers of the United States"	(as defined by 3	33 CFR part 3	29 and associated	guidance)
within the reviewed area.	Approximate size of jur	isdictional area:			

- [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
- [ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

## A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(l) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(l), 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(l) is used as the Basis of Jurisdiction, document

the rationale used to make adjacency determination: The site contains Tupper Lake, unnamed tributaries to Tupper Lake and wetlands that are adjacent to the lake and streams. Tupper Lake is a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR par	ts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; []	vegetation lines/changes in vegetation types.
[X ] Wetland boundaries, as shown on the attached wetlan Department of Transportation	nd delineation map and/or in a delineation report prepared by: New York State
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part	328(a)(1, 2, or 4-7).
[] Headquarters declined to approve jurisdiction on the bas	is of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination that the United States:	ne following waters present on the site are not Waters of
[] Waste treatment systems, including treatment ponds of	r lagroons, nursuant to 33 CER part 328 3
[] Artificially irrigated areas, which would revert to uplan	
[] Artificial lakes and ponds created by excavating and/o	<del>-</del>
retain water and which are used exclusively for such pu	
rice growing.	n posed as stock watering, initiation, setting sacris, or
[] Artificial reflecting or swimming pools or other small	ornamental bodies of water created
by excavating and/or diking dry land to retain water for	
	to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unless and	
	efinition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate	commerce.
[] Prior converted cropland, as determined by the Natura	l Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated on d	ry land. Explain rationale:
[ ] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that anniv)
[X] Maps, plans, plots or plat submitted by or on behalf of	
[X] Data sheets prepared/submitted by or on behalf of the a	
[] This office concurs with the delineation report, dated	• •
[] This office does not concur with the delineation report,	
[ ] Data sheets prepared by the Corps.	, prepared by (company).
[X] Corps' navigable waters' studies: Listing for Tupper Lak	K <b>e</b>
[] U.S. Geological Survey Hydrologic Atlas:	-
[X] U.S. Geological Survey 7.5 Minute Topographic maps:	Tupper Lake Quadrangle
[] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
[] U.S. Geological Survey 15 Minute Historic quadrangles:	
[X] USDA Natural Resources Conservation Service Soil Su	rvey: Franklin County Soil Survey
[] National wetlands inventory maps:	•
[] State/Local wetland inventory maps:	
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Aerial Photographs (Name & Date):	
[X ] Other photographs (Date): in delineation report sent on	September 4, 2004
[] Advanced Identification Wetland maps:	

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ı	I Site	visit/dete	rmination	conducted	on:

- [] Applicable/supporting case law:
- [] Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

NAN-2006-3039

PROJECT LO	)CA	TION	INF	ORM A	ATION:
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State:

New York

County:

Saratoga

Center coordinates of site (latitude/longitude): lat:43.042 lon:-73.95 Approximate size of area (parcel) reviewed, including uplands:0.05 acres.

Name of nearest waterway: Glowegee Creek

Name of watershed:

Hudson River

# JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

[X]  $\Pi$ 

Date: 27 Jul 06

Site visit(s)

Date(s):

## Jurisdictional Determination (JD):

[X ] Preli	ımınary JD - Ba	ised on available in	iormation, [X ] <i>there app</i>	ear to be (or) [] the	re appeur 10 de no	waters of the
	United States"	and/or "navigable	waters of the United Stat	es" on the project sit	e. A preliminary Jl	) is not appealable
	(Reference 33	CFR part 331).				

[] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 33	I).
Check all that apply:	

[] <i>There are</i> "navigable wate	rs of the United States"	(as defined by 33	CFR part 32	29 and associated	guidance)
within the reviewed area.	Approximate size of juri	sdictional area:			

- [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
- [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
- [ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

# A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [](I) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- [](3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [](7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The work would occur in Glowegee Creek, a tributary to Kayaderosseras Creek that empties into Saratoga Lake, which is a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts	328 and 329)
[X ] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] changes in the character of soil	[] physical markings/characteristics
[] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
	[ ] outer.
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical markings; [] vo	egetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetland de	elineation map and/or in a delineation report prepared by
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part :	
[] Headquarters declined to approve jurisdiction on the basis	s of 33 CFR part 328.3(a)(3).
[] The Corps has made a case-specific determination that the	e following waters present on the site are not waters of
the United States:	22.077
[] Waste treatment systems, including treatment ponds or	lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to uplan	
[] Artificial lakes and ponds created by excavating and/or	diking dry land to collect and
retain water and which are used exclusively for such pur	rposes as stock watering, irrigation, settling basins, or
rice growing.	
[] Artificial reflecting or swimming pools or other small o	
by excavating and/or diking dry land to retain water for	primarily aesthetic reasons.
[] Water-filled depressions created in dry land incidental t	to construction activity and pits excavated in dry land for
the purpose of obtaining fill, sand, or gravel unless and	until the construction or excavation operation is
abandoned and the resulting body of water meets the de	finition of waters of the United States found at 33 CFK
328.3(a).	
[] Isolated, intrastate wetland with no nexus to interstate of	commerce.
[] Prior converted cropland, as determined by the Natural	Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated on dr	y land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	AINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behalf of the	
Data sheets prepared/submitted by or on behalf of the app	
[] This office concurs with the delineation report, dated	, prepared by (company):
This office does not concur with the delineation report,	
Data sheets prepared by the Corps.	
Corps' navigable waters' studies:	
U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic maps:	
1 U.S. Geological Survey 7.5 Minute Historic quadrangles:	
U.S. Geological Survey 15 Minute Historic quadrangles:	
USDA Natural Resources Conservation Service Soil Surv	'ey:
National wetlands inventory maps:	
State/Local wetland inventory maps:	
FEMA/FIRM maps (Map Name & Date):	
1 100-year Floodplain Elevation is: (NGVD)	
Aerial Photographs (Name & Date):	
Other photographs (Date):	
Advanced Identification Wetland maps:	

3

[] Site visit/determination conducted on: [] Applicable/supporting case law: [] Other information (please specify):	
[] Other information (preuse speeds)).	
[] Other information (please specify):	

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.